REMARKS

Claims 1-18 were presented for examination and were pending in this application. In an Official Action dated September 12, 2007, claims 1-18 were rejected.

Applicant has amended claims 1, 3 and 5-9 in order to more particularly define the invention. Applicant has canceled claims 17 and 18. Applicant makes no admission as to the patentability or unpatentability of the originally filed claims.

Based on the following Remarks, Applicant respectfully requests that Examiner reconsider all outstanding rejections and withdraw them.

Response to Claim Objections

Examiner objected to claims 1-18 because of informalities. Applicant has amended claims 1, 8 and 9 accordingly. Thus, Applicant respectfully submits that all informalities with respect to claims 1-16 have been resolved.

Applicant has canceled claims 17 and 18, thereby obviating the basis for the objection to claims 17 and 18.

In view of these amendments, Applicant respectfully requests that Examiner withdraw the objections to claims 1-16.

Response to Rejection Under 35 USC §101

Examiner rejected claims 1-8, 17 and 18 under 35 USC § 101 because the claimed invention is alleged directed to non-statutory subject matter. Specifically, Examiner states that claims 1-8 claim a system having modules that are not limited to hardware and that claims 17 and 18 claim a system having means that are not limited to hardware.

Claims 1-8 have been amended to more clearly recite statutory subject matter. Specifically, claims 1-8, as amended, recite "an active management console device" and "an active management agent device."

Claims 17 and 18 have been canceled, thereby obviating the basis for the rejection of claims 17 and 18.

Response to Rejection Under 35 USC §102

The Examiner rejected claims 1-18 under 35 USC § 102 as allegedly being anticipated by U.S. Patent Publication No. 2003/0093563 to Young, et al. ("Young"). This rejection is respectfully overcome in view of the amended claims.

As amended, claim 1 recites:

> ...an active management console device configured to operate in the active management personal computer, the active management console module for enabling real-time communication of active management queries to configure the SOHO network device between the SOHO network device and a user at the active management personal computer during operation of the SOHO network device; and
>
> an active management agent device, remote from the active management console device, configured to operate in the SOHO network device for communicating real-time active management queries to configure the SOHO network device in real-time between the active management console device and the SOHO network device.

As recited in amended claim 1, an active management console device operates in an active management personal computer to enable real-time communication of active management queries between the active management personal computer and a SOHO network device. The active management queries allow real-time configuration of the SOHO network device, while the SOHO network device is operating, by a user at the active management personal computer. An active management agent device operates in the SOHO

network device and communicates real-time active management queries between the active management console device and the SOHO network device. The real-time active management queries are used to configure the SOHO network device while the SOHO network device is operating.

Hence, the claimed invention allows real-time configuration of a SOHO network device by a user at the active management personal computer. This beneficially allows the active management personal computer to provide configuration or operational management data to the SOHO network device during operation. This allows the active management personal computer to modify SOHO network device operation. Hence, the active management PC allows real-time modification of data allowed by the SOHO network device or what type of user-access the SOHO network device provides to one or more SOHO personal computers or users. This allows the active management personal computer to modify the SOHO network device operation in real-time, rather than requiring rebooting of restarting of the SOHO network device for reconfiguration.

In contrast, Young discloses a Multimedia Access Network Device (MAND) for delivering voice, video and data using Internet Protocol (IP) connections. *See* Young, ¶ [0002]; [0019]-[0020]. The MAND monitors and maps a single public IP address associated with the MAND and IP port number associated with a multimedia session to the private address and port number of a particular IP device. *See* Young ¶¶ [0052]-[0056]. Hence, the MAND uses a single public IP address associated with the MAND to allow multiple IP devices to communicate with a network to route data from the network to one or more IP devices.

Although the MAND includes a management interface for a service provider to configure, manage, monitor or upgrade the MAND, there is no disclosure in Young that this management interface receives or transmits "real-time active management queries to configure the SOHO network device between the active management console device and the SOHO network device," as claimed. Rather, the management interface initially configures the MAND using customer information and the initial configuration data communicates subsequently received data between the MAND, the VoIP devices and the network. *See* Young ¶¶ [0105]-[0108]. Hence, the management interface initially configures the MAND to route data received after initial configuration between multiple VoIP devices and a data network. In contrast, the claimed active management console device communicates active management queries between SOHO network device and the active management personal computer in real-time, allowing the active management personal computer to configure the SOHO network device as the SOHO network device is processing data. In contrast, the MAND in Young is initially configured and then transmits subsequently received data to various IP devices using the initial configuration data. Although the MAND firmware can be remotely upgraded, this upgrade requires the MAND to be rebooted after the upgrade and does not permit configuration or modification of the MAND in real-time. *See* Young ¶ [0121]. Hence, the MAND merely receives routing data upon initialization and uses the routing data to communicate subsequently received data between multiple devices and does not communicate real-time active management queries between an active management console device and an active management agent device to configure a SOHO device.

For at least these reasons, Young fails to anticipate one or more elements in amended claim 1. Thus, claim 1, as amended, is patentably distinguishable over the cited reference.

Moreover, as claims 2-8 depend from claim 1, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claims 2-8. Therefore, Applicant respectfully submits that claims 1-8 are patentably distinct from the cited reference and kindly requests withdrawal of their rejection.

As amended, claim 9 recites:

> receiving an active management query response from the active management console module at the active management computer, the active management query response for configuring the gateway device; and
>
> in response to receiving the active management query response, implementing the active management gateway function at the gateway device in real-time according to the information provided in the active management query response

Hence, all arguments advanced above with respect to amended claim 1 are hereby incorporated to apply to amended claim 9. As claims 10-16 depend from claim 9, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claims 10-16. Therefore, Applicant respectfully submits that claims 9-16 are patentably distinct from the cited reference and kindly requests withdrawal of their rejection.

Claims 17 and 18 have been canceled, thereby obviating the basis for the rejection of claims 17 and 18.

The Examiner rejected claims 1-18 under 35 USC § 102 as allegedly being anticipated by U.S. Patent Publication No. 2006/015935 to Dixon, et al. ("Dixon"). This rejection is respectfully overcome in view of the amended claims.

As amended, claim 1 recites:

> an active management agent device, remote from the active management console device, configured to operate in the SOHO network device for communicating real-time active management queries to configure the SOHO network device in real time between the active management console device and the SOHO network device

Hence, the active management console device allows a remote active management agent device to configure a SOHO device including the active management agent device. This beneficially simplifies configuration or modification of the SOHO network device by allowing a user at the active management personal computer to remotely configure the SOHO network device.

Dixon merely discloses a system and method allowing an end-system to securely operate on an Internet Protocol (IP) network by integrating a distributed firewall (DFW) into the end-system. *See* Dixon ¶ [0037]. The DFW grants or denies access to the end-system including the DFW by enforcing security requirements applicable to incoming and/or associating outgoing text traffic with the end-system. *See* Dixon, ¶¶ [0041]-[0043]; [0049]. Unlike the claimed invention, the DFW locally receives input to modify data transmitted or received by the end-system including the DFW. *See* Dixon ¶ [0040]. Hence, the DFW uses a local UI console to secure the end-system, while the claimed invention uses an active management console device to configure a remote active management agent device, allowing a SOHO device including the active management agent device to be configured in real-time by a remote active management personal computer including the active management console device.

Further, Dixon does not disclose that the DFW enables "real-time communication of active management queries to configure the SOHO network device between the SOHO network device and a user at the active management personal computer during operation of the SOHO network device," as claimed. Rather, Dixon merely discloses that a UI console allows a user to secure the end-system and configure applications to allows different users different levels of access to the DFW. *See* Dixon ¶ [0041], [0043]. However, Dixon does

not disclose that this configuration occurs in real-time. Rather, the DFW grants or denies user access to the end-system or associates traffic with an authorized process based on user authentication. However, Dixon does not disclose whether user authentication or traffic association occurs in real-time during end-system authentication or is specified during an initial configuration process and then applied to subsequently received data.

For at least these reasons, Dixon fails to anticipate one or more elements in amended claim 1. Thus, claim 1, as amended, is patentably distinguishable over the cited reference. Moreover, as claims 2-8 depend from claim 1, all arguments advanced above with respect to claim 1 are hereby incorporate so as to apply to claims 2-8. Therefore, Applicant respectfully submits that claims 1-8 are patentably distinct from the cited reference and kindly requests withdrawal of their rejection.

As amended, claim 9 recites:

> …sending an active management query from the gateway device to an active management console module at the active management computer, the active management computer remote from the gateway device;
>
> receiving an active management query response from the active management console module at the active management computer, the active management query response for configuring the gateway device…
>
> implementing the active management gateway function at the gateway device in real-time according to the information provided in the active management query response

Hence, all arguments advanced above with respect to amended claim 1 are hereby incorporated to apply to amended claim 9. As claims 10-16 depend from claim 9, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claims 10-16. Therefore, Applicant respectfully submits that claims 9-16 are patentably distinct from the cited reference and kindly requests withdrawal of their rejection.

Claims 17 and 18 have been canceled, thereby obviating the basis for the rejection of claims 17 and 18.

Conclusion

Claims 1-16, as presented herein, are patentably distinguishable over the cited references. Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicant respectfully invites Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
CHRISTOPHER J.F. WATERS

Date: March 11, 2008

By: /Brian G. Brannon/

Brian G. Brannon, Registration No. 57,219
Attorney for Applicants
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7610
Fax: (650) 938-5200
E-Mail: bbrannon@fenwick.com